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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re: Patent Application of
JOHN P. SENATORE

Serial No. 09/422,324

Filed: October 21, 1999

For: Multi-Observation and Recording
System for all Motor Vehicles

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

Group Art Unit 2613

Examiner Allen Wong

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Norman E. Lehrer
Norman E. Lehrer, Reg. No. 26,561

TRANSMITTAL LETTER

Enclosed for filing in the above application are the following:

1. Appellant's Brief on Appeal in triplicate.
2. Our check in the amount of \$155 for the appeal brief filing fee.

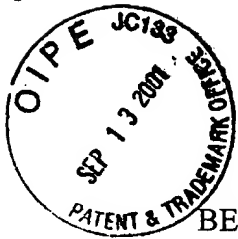
Please charge any deficiency or credit any overpayment of this fee to the
undersigned's deposit account No. 12-1023.

Respectfully submitted,

JOHN P. SENATORE

By:

Norman E. Lehrer
Norman E. Lehrer
Registration No. 26,561



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APPELLANT'S BRIEF ON APPEAL

Pursuant to 37 C.F.R. §1.192, Applicant hereby presents his brief on appeal from
the Primary Examiner's Final Rejection. A timely filed Notice of Appeal was received in the
Patent and Trademark Office on July 9, 2001.

1. REAL PARTY IN INTEREST

The real party in interest is as stated above in the caption.

2. RELATED APPEALS AND INTERFERENCES

Appellant and Appellant's legal representative are unaware of any other appeals
or interferences which will directly affect or be directly affected by or have a bearing on the
Board's decision on the pending appeal.

3. STATUS OF THE CLAIMS

Claims 1-3 have been canceled. Claims 4-8 are pending in the application. Claims 4-8 stand rejected and are on appeal.

4. STATUS OF AMENDMENTS

An amendment was filed subsequent to the final rejection on June 5, 2001 but was not entered by the Examiner.

5. SUMMARY OF INVENTION

The present invention essentially includes a housing 4 which is removably mounted to the dashboard of a motor vehicle 13, behind the steering wheel. The housing 4 includes a camera 6 with three additional lenses 5, 7, and 8 all in one compact unit. The housing also has a button 14. The purpose of the button 14 will be discussed in greater detail below. Camera 6 focuses on the view in front of the vehicle 13 and observes all that the driver sees. The first lens 5 focuses on the driver, the second lens 7 focuses on the speedometer, and the third lens 8 focuses on the speedometer. (See Figure 2.)

A recording unit 3 is located within the trunk of the vehicle and is electrically attached via wiring 1 to the camera 6. (See Figure 1.) A video cassette, disc, or chip may be the means for recording or storing the images observed. The images taken from the camera 6 and the three lenses 5, 7, and 8 will be shown as one recorded image along with the time and date being superimposed on the recorded image via a time and date generator that is always running regardless of the operation of the vehicle. Also, the recording unit 3 has a separate disc, tape or chip for information to be saved and a button for saving the data. Button 14 may be used by the

driver to retrieve the last ten minutes of recorded events. (See the specification at page 4, line 15- page 5, line 8.)

A female output jack 2 is located on the exterior of the vehicle 13 and is connected to the recording unit 3 via wiring 1. The jack 2 may be used by authorized personnel. The last fifteen minutes of recording may be retrieved. The female output jack 2 is activated only when the vehicle is in operation, that is, it is dependent upon the electrical source of the vehicle 13.

The present invention also includes a mini recorder 9. The mini recorder 9 is worn by authorized personnel, such as a police officer. (See Figure 3.) The mini recorder 9 is used to retrieve the last fifteen minutes or more of recorded images and may be used by the police as needed. The mini recorder 9 is of standard design and has a male jack coupler 11 which is connected to the mini recorder 9 via wire 10. (See Figure 4.) The mini recorder 9 may be connected to the belt of a police officer via connector 12, thereby making the mini recorder 9 portable. (See Figure 5.) The plug 11 can be plugged into the jack 3.

6. ISSUES

The issues are whether Claims 4 and 7 are clearly anticipated under 35 U.S.C. §102(b) by U.S. Patent No. 4,789,904 to Peterson; whether Claims 5 and 6 are unpatentable under 35 U.S.C. §103(a) over U.S. Patent No. 4,789,904 to Peterson in view of U.S. Patent No. 5,289,321 to Secor; and whether Claim 8 is unpatentable under 35 U.S.C. §103(a) over U.S. Patent No. 4,789,904 to Peterson.

7. GROUPING OF CLAIMS

Appellant does not believe that all of the claims stand or fall together. Appellant believes that the claims should be grouped as follows:

Claims 4 and 7;

Claims 5 and 6; and

Claim 8.

Appellant believes that each of the above groups is separately patentable from each of the other groups.

8. ARGUMENT

The Examiner has rejected Claims 4 and 7 under 35 U.S.C. §102(b) as being clearly anticipated by Peterson. The Examiner states that Peterson discloses an observation and recording system for a motor vehicle comprising camera means carried by the motor vehicle, the camera means being directed at a road in front of the vehicle and at a driver of the motor vehicle and means for recording images of the road in front of the vehicle and the driver of the motor vehicle observed by the camera means. Regarding Claim 7, the Examiner states that Peterson discloses the use of connectors which are equivalent to jacks. Appellant respectfully disagrees.

Appellant's invention is directed toward an observation and recording system which is mounted within a motor vehicle. The system allows for the conditions forward of the vehicle to be recorded as well as the driver, the speedometer, and the odometer of the vehicle.

Peterson discloses a vehicle mounted surveillance and videotaping system which includes a camera mounted within a police vehicle and a video recorder housed in a vault in the

trunk of the vehicle. The camera focuses on the conditions in front of the vehicle including motorists on the road in front of the police vehicle. The camera does not focus on any instrumentation within the police vehicle or on the driver of the police vehicle.

Peterson does not disclose camera means being directed at a road in front of the vehicle and at a driver of the motor vehicle as recited by Appellant. Neither does Peterson disclose Appellant's means for recording images of the driver of the motor vehicle observed by the camera means. As such, Claims 4 and 7 are not clearly anticipated by Peterson. The Examiner suggests that the driver of the motor vehicle, i.e., the police officer is recorded when he or she stops a motorist in front of the police vehicle. While such a conclusion may be drawn from the teaching of Peterson, it does not teach or disclose Applicant's claimed invention.

Specifically, Peterson does not disclose camera means being directed at a road in front of the vehicle and at a driver of the motor vehicle or means for recording images of the driver of the motor vehicle observed by the camera means. The driver of the vehicle, as referred to by Appellant and as recited in the claims, is the driver of the motor vehicle when the vehicle is being driven and not a "driver" standing outside of the vehicle at which point the driver ceases to be a driver and becomes a pedestrian. Therefore, Appellant's claimed invention is not disclosed by Peterson.

The Examiner has rejected Claims 5 and 6 under 35 U.S.C. §103(a) as being unpatentable over Peterson in view of Secor. The Examiner states that Peterson may not appear to disclose means for recording information from the odometer and the speedometer of the vehicle but that Secor teaches the means for recording information from the odometer and the speedometer of the vehicle and that therefore, it would have been obvious to one of ordinary skill

in the art to utilize the teachings of Peterson and Secor for viewing the odometer and speedometer so as to obtain all possible relevant information during the pullover of violating motorists in order to allow an accurate court presentation. Appellant respectfully disagrees.

Appellant's comments made above regarding Peterson are applicable to this rejection as well and will not be repeated here. Secor adds little, if anything to the teaching of Peterson. Secor discloses a rear viewing arrangement for a motor vehicle which permits the driver to view traffic conditions to the rear and right and left sides of the vehicle. Left and right video cameras are mounted on the left and right sides of the vehicle, respectively, and forward of the driver's position. The images viewed from the cameras are reproduced on an LCD viewing screen which is integrated on the vehicle's dashboard. The integrated dashboard display also includes a speedometer and an odometer. However, lenses are not focused on the driver, the road in front of the driver, or the instrumentation within the vehicle as recited by Appellant. Furthermore, the means for recording information from the odometer and speedometer provided by the camera means is not taught or suggested by either reference.

Neither of the references relied upon by the Examiner, taken alone or in combination, discloses, suggests, or renders obvious Appellant's invention as it is claimed. That is, neither Peterson nor Secor discloses an observation and recording system for a motor vehicle as recited by Appellant. Appellant recites a camera which is directed at the view forward of the driver of the vehicle and at the driver and means for recording the images observed by the camera, such as a view of the driver behind the wheel. The claims also recite, among other things, that information is recorded from the speedometer and odometer of the vehicle.

Therefore, if the teachings of these two patents were combined as the Examiner suggests, Appellant's invention would not result.

The Examiner states that the location of the camera is not considered to be patentable because the camera can be placed anywhere to view any position as desired by any one of ordinary skill in the art and that the shifting of the location of parts is not considered to be patentable. The Examiner also states that the combination of Peterson and Secor is deemed to be proper because all of the limitations have been met and that the test for obviousness is what the combined teachings of the references would have suggested to those of ordinary skill in the art. Appellant respectfully disagrees with the Examiner's position.

As discussed above, Peterson and Secor, alone or in combination, do not disclose or suggest Appellant's claimed invention. Appellant's invention is directed toward an observation and recording system which is mounted within a motor vehicle. The system allows for the conditions forward of the vehicle to be recorded as well as the driver, the speedometer, and the odometer of the vehicle. The location of the camera means is not an obvious variation. That is, a camera is placed within a vehicle in order to observe particular images, for example, the driver of the vehicle, the speedometer, and the odometer in order for these images to be recorded and preserved for future reference. The location of the camera means is important in order to obtain the information discussed above. Furthermore, there is no suggestion in either of the references relied upon by the Examiner or in the combined teachings of the references to observe the driver of the vehicle. Therefore, even if the references have been properly combined, Appellant's invention would not result.

The Examiner has rejected Claim 8 under 35 U.S.C. §103(a) as being unpatentable over Peterson. The Examiner states that Peterson may not appear to disclose the portability of a camera but that it would have been obvious to one of ordinary skill in the art to recognize that the portability of a camera is an extremely obvious feature because one can easily manipulate and place the camera in any location one desires to capture any point of view needed for image acquisition applications. Appellant respectfully disagrees.

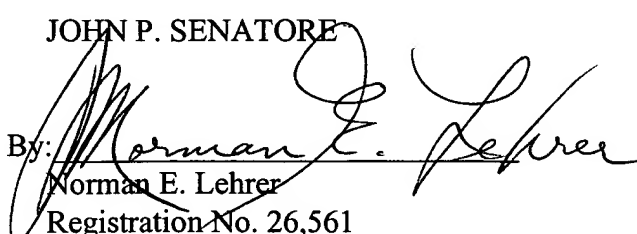
Appellant's comments made above regarding Peterson are applicable to this rejection and will not be repeated here. Furthermore, there is no suggestion in Peterson of a portable recording device connected to a jack as recited by Appellant. The Examiner's comments are somewhat misplaced as the portability of a camera is not a feature of Appellant's device. Rather, Appellant recites a portable recording device connected to a jack which is not taught or suggested in either of the references relied upon by the Examiner. Therefore, Claim 8 is not disclosed or suggested by Peterson.

In view of all of the foregoing, Appellant submits that all of the claims presently in the application clearly and patentably distinguish over the references of record and should be allowed.

Respectfully submitted,

JOHN P. SENATORE

By:


Norman E. Lehrer

Registration No. 26,561

Dated: September 10, 2001

APPENDIX

4. An observation and recording system for a motor vehicle comprising:
camera means carried by the motor vehicle, said camera means being directed at a road in front of the vehicle and at a driver of the motor vehicle and
means for recording images of the road in front of the vehicle and of the driver of the motor vehicle observed by said camera means.
5. The observation and recording system for a motor vehicle of Claim 4 further including means for recording information from the odometer and the speedometer of the vehicle.
6. The observation and recording system for a motor vehicle of Claim 5 wherein said information is provided by said camera means.
7. The observation and recording system for a motor vehicle of Claim 4 further including a jack.
8. The observation and recording system for a motor vehicle of Claim 7 further including a portable recording device connected to said jack.